

O L S H A N

O L S H A N G R U N D M A N F R O M E R O S E N Z W E I G & W O L O S K Y L L P

May 8, 2012

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VIA ECF & FACSIMILE

Hon. Joseph A. Dickson  
United States Magistrate Judge  
United States District Court  
District of New Jersey  
Martin Luther King, Jr. Federal  
Building and U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

Re: *Nike, Inc. v. Eastern Ports Custom Brokers, Inc., et al.*  
Civil Action No. 11-CV-4390 (CCC)(JAD)

Dear Magistrate Judge Dickson:

We represent Plaintiff, Nike, Inc. ("Nike") in the above-referenced matter. We write to request that the in person settlement conference presently scheduled for May 14, 2012 at 11:00 a.m. before Your Honor be considered an initial pretrial conference, rather than a settlement conference.

As Your Honor will recall, on March 19, 2012, Your Honor held an initial pretrial conference in this matter. At that time, Third-Party Defendant U.S. Customs and Border Protection had not yet answered (this party has since been dismissed) and the other parties thought that they were close to settling this matter. Therefore, instead of setting the discovery schedule, Your Honor and all the parties involved thought it would be more beneficial to use the conference time to discuss settlement, rather than set a discovery schedule. At that time Your Honor scheduled an in person settlement conference for April 26, 2012 at 10:30 a.m., with the caveat that if the parties were not close to a settlement any party could request that the conference could be switched to an initial pretrial conference, rather than a settlement conference. Thereafter, on April 11, 2012, an order was issued, adjourning the settlement conference until May 14, 2012 at 11:00 a.m.

Despite Nike's past efforts to resolve this matter amicably, the Defendants have failed to respond to Nike's settlement proposal and therefore, Nike wishes to proceed with the litigation. As such, Nike respectfully requests that the May 14, 2012 conference be deemed an initial pretrial conference, rather than a settlement conference. Nike notes that a Proposed Joint Discovery Plan was filed in this case on February 9, 2012 (Dkt. No. 25) and Nike requests that the dates set forth in the Proposed Joint Discovery Plan be extended by sixty (60) days to adjust for the time that the parties spent attempting to settle this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Safia A. Anand', with a stylized, flowing script.

Safia A. Anand

cc: Michael Holihan (via Email)  
Stephanie Boomersshine (via Email)  
Carl R. Soller, Esq. (via Email)  
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